

REMARKS

These Remarks are in response to the Office action mailed April 4, 2008. Claims 10 and 12 have been amended. Claims 1-4 and 7-13 are pending in the application. Applicant appreciates Examiner's thorough search and careful review of the present application.

The amendment was not available previously because Applicant genuinely believed that the previously presented claims were in condition for allowance. Applicant respectfully requests that the amendment be entered and the claims, as amended, be allowed for the reasons set forth below.

Claim Rejections Under 35 U.S.C. 112

Claims 10 and 12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

On page 3 of the Office action, it is stated that claims 10 and 12 recite wherein manufacturing order adjusting instructions comprise an instruction of reclaiming a manufacturing order, an instruction of canceling a manufacturing order, and an instruction of changing a manufacturing order. Examiner states that the word "and" makes claims 10 and 12 unclear how all of instructions can be present at once. Moreover, it is also stated that the meaning of "reclaiming" a manufacturing order is unclear.

In response, Applicant submits that "reclaiming" a manufacturing order in the present application indicates to restore a canceled manufacturing order. Claims 10 and 12 have been amended, by changing the word "and" to the word "or," and changing the phrase "reclaiming a manufacturing order" to the phrase "restoring a canceled manufacturing order," for the purpose of overcoming the rejection. Accordingly, it is submitted that claims 10 and 12, as amended, are now clear and distinct for the purposes of 35 U.S.C. 112, second paragraph. Reconsideration and removal of the rejection of claims 10 and 12 are requested.

Claim Rejections Under 35 U.S.C. 103

Claims 1-4 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 4,646,238 to Carlson, Jr. et al (hereinafter referred to as "Carlson") in view of Official Notice.

Applicant respectfully requests reconsideration and removal of the rejections and allowance of claims 1-4 and 7-13. The following remarks herein are responsive to the rejections as understood.

Claims 1-4 and 10-11

Claim 1 recites in part:

"the order balancing module is used to balance manufacturing orders in accordance with daily production yield gathering by the yield gathering module, and generate a temporary record for recording data on changing of manufacturing orders;

the order adjusting module is used to receive manufacturing order adjusting instructions from a user, and add the manufacturing order adjusting instructions into the temporary record;
and

the document updating module is used to update data stored in a master list of manufacturing orders, detailed records of manufacturing orders, and corresponding planning bills of material (BOMs) *in accordance with the temporary record generated by the order balancing module."*

Applicant submits that Carlson and Official Notice, whether taken alone or in combination, do not teach or otherwise suggest the above-emphasized features as currently set forth in claim 1.

Carlson teaches that a grade distribution data base (which is not used in standard MRP planning) contains planned yield distribution to all grades resulting from testing a component (see col. 5, lines 16-18). Carlson further teaches that a by-product computation requires a step of computing a quantity of components, which must be tested to cover demand. This is done by dividing a net demand by yield. For example, 100 units of product A with a 50% yield require a testing of 200 units of component B (see col. 8, lines 3-8). In addition, Carlson teaches that a computation takes into account cumulative demand and cumulative yield for each successive grade (see col. 11, lines 24-29).

Accordingly, it is understood that Carlson teaches a grade distribution data base, and untested products are given a first pass test to eliminate non-functional units and produce a preliminary grading according to the grade distribution data base (see col. 2, lines 43-45). It can be concluded

that Carlson emphasizes how to grade the untested products and then test components that contain the untested products.

Applicant submits that the means of generating a temporary record and receiving manufacturing order adjusting instructions in claim 1 is plainly different and patentably distinct from the grade distribution data base and the test of components taught by Carlson, for at least the following reasons:

As recited in claim 1, the temporary record is generated for ***recording data on changing of manufacturing orders***; the manufacturing order adjusting instructions are received and added into the temporary record; and then the temporary record is used for updating relevant data stored in a master list of manufacturing orders, detailed records of manufacturing orders, and corresponding planning bills of material (BOMs).

Whereas, Carlson does not provide any relevant teachings or suggestions in relation to the presently claimed features of “*generating a temporary record*”, “*receiving manufacturing order adjusting instructions from the user*”, “*adding the adjusting instructions into the temporary record*”, and “*updating data ... in accordance with the temporary record generated by the order balancing module*”. In this regard, Applicant respectfully traverses the characterization of Carlson’s teachings made on pages 4-5 of the current Office action.

Furthermore, Carlson fails to teach or suggest the features whereby “***the order balancing module is used to balance manufacturing orders in accordance with daily production yield gathering by the yield gathering module, and generate a temporary record for recording data on changing of manufacturing orders; the order adjusting module is used to receive manufacturing order adjusting instructions from a user, and add the manufacturing order adjusting instructions into the temporary record***; and the document updating module is used to update data stored in a master list of manufacturing orders, detailed records of manufacturing orders, and corresponding planning bills of material (BOMs) ***in accordance with the temporary record generated by the order balancing module***,” as set forth in claim 1. Additionally, Official Notice also fails to teach or suggest the above-emphasized features. Applicant submits that any combination of the references does not teach or suggest the above-emphasized features.

Claim 1 further recites in part:

“the yield gathering module is used to gather production yields in accordance with data stored in daily production statements and daily stock receipt statements.”

Applicant submits that Carlson and Official Notice, whether taken alone or in combination, do not teach or otherwise suggest the above-emphasized feature as set forth in claim 1.

As stated on page 4 of the Office action, Carlson does not explicitly disclose wherein the production yields are gathered from data stored in daily production statements and daily stock receipt statements. That is, Carlson fails to teach or suggest the invention having the above-emphasized feature as set forth in claim 1.

As stated on pages 4-5 of the Office action, Examiner takes Official Notice that it is well-known in the manufacturing arts at the time the invention was made to gather throughput and yield data from a variety of sources, including production statements and stock receipts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to gather the yield data taught by Carlson using well-known manufacturing techniques. One of ordinary skill in the art would have been motivated to do so for benefit of increased accuracy in the yield data. Applicant respectfully disagrees and traverses as follows:

From the standpoint of a person of ordinary skill in the art, there are no illustrative instances in Carlson's system that provide the above-emphasized feature of claim 1. That is, a consideration of Carlson with the knowledge generally available to one of ordinary skill in the art still does not provide any suggestion or motivation to modify Carlson to achieve the present production yields, let alone the present production yields functionality in relation to gathering data from the daily production statements and the daily stock receipt statements. Accordingly, Applicant submits that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure.

For at least the above reasons, Applicant submits that any combination of Carlson and Official Notice does not teach or suggest the feature of ***“the yield gathering module is used to gather production yields in accordance with data stored in daily production statements and daily stock receipt statements,”*** as set forth in claim 1.

In conclusion, Applicant submits that Carlson and Official Notice, taken alone or in combination, do not teach or otherwise suggest the invention having the above-emphasized features

as set forth in claim 1. Accordingly, claim 1 is unobvious and patentable over Carlson in view of Office Noticial under 35 U.S.C. 103. Reconsideration and removal of the rejection and allowance of claim 1 are requested.

Dependent claims 2-4 and 10-11 include all the subject matter of independent claim 1, and respectively incorporate additional subject matter therein. Thus, claims 2-4 and 10-11 should also be allowable.

If further argument is needed regarding claim 10, this claim recites that the manufacturing order adjusting instructions comprise an instruction of restoring a canceled manufacturing order, an instruction of canceling a manufacturing order, or an instruction of changing a manufacturing order (see para. [0019] on pages 6-7 of the specification). Carlson and Official Notice do not provide any relevant teaching or suggestion in relation to these claimed features. That is, Applicant submits that any combination of Carlson and Official Notice does not teach or suggest these claimed features as set forth in claim 10. For at least the above reasons, it is submitted that claims 10-11 also represent patentable subject matter under Carlson in view of Official Notice.

Claims 7-8 and 12-13

Claim 7 recites in part:

*“gathering daily yields from daily production statements and daily stock receipt statements;
balancing manufacturing orders in accordance with quantities of products, comprising the steps of:*

(a) generating a temporary record for recording data on changing of manufacturing orders;

(b) receiving manufacturing order adjusting instructions from a user; and

(c) adding the manufacturing order adjusting instructions into the temporary record;

...

updating data stored in a master list of manufacturing orders, a corresponding detailed record of a manufacturing order, and a corresponding planning BOM *in accordance with the temporary record.”*

Claim 7 is a method claim corresponding to the system for balancing manufacturing orders of claim 1. Referring to and incorporating herein the above-stated reasons regarding the patentability

of claim 1, Applicant submits that, for similar reasons, Carlson and Official Notice, taken alone or in combination, do not teach or otherwise suggest the invention having the above-emphasized features as set forth in claim 7. Accordingly, claim 7 is unobvious and patentable over Carlson in view of Official Notice under 35 U.S.C. 103. Reconsideration and removal of the rejection and allowance of claim 7 are requested.

Dependent claims 8 and 12-13 include all the subject matter of independent claim 7, and incorporate additional subject matter therein. Thus, claims 8 and 12-13 should also be allowable.

Claim 9

Claim 9 recites in part:

“means for gathering daily yields from daily production statements and daily stock receipt statements;

means for balancing manufacturing orders in accordance with quantities of made products, comprising means for:

(a) generating a temporary record for recording data on changing of manufacturing orders;

(b) receiving manufacturing order adjusting instructions from a user; and

(c) adding the manufacturing order adjusting instructions into the temporary record;

...

means for updating data stored in a master list of manufacturing orders, a corresponding detailed record of a manufacturing order, and a corresponding planning BOM in accordance with the temporary record.”

For at least reasons similar to those set forth above in relation to claims 1 and 7, with due alteration of details, Applicant submits that claim 9 is unobvious and patentable over Carlson in view of Office Notice under 35 U.S.C. 103(a). Reconsideration and removal of the rejection and allowance of claim 9 are requested.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

CONCLUSION

Applicant submits that the foregoing Amendment and Response place this application in condition for allowance. If Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 714.626.1224.

Respectfully,
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